

W/O

AMENDED PAGE 8
JUNE 16, 2011

FILED
10:12 O'Clock A.M.
JUN 16 2011 ✓
SANDRA K. MARKHAM, Clerk
By: **RHONDI HAGEN**
V1300CR201080049
State v Ray

If you determine that the Defendant is guilty of either manslaughter or negligent homicide but you have a reasonable doubt as to which it was, you must find the Defendant guilty of negligent homicide.

F. Criminal Negligence Defined:

"Criminal negligence" means, with respect to a result or a circumstance described by a statute defining an offense, that a person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

G. Included Mental States – Criminal Negligence (Revised):

If the State is required to prove that the Defendant acted "with criminal negligence," that requirement is satisfied if the State proves that the Defendant acted "recklessly."

H. Deleted

I. Deleted

J. Recklessly Defined:

"Recklessly" means that a defendant is aware of and consciously disregards a substantial and unjustifiable risk that his conduct will result in death. The risk must be such that disregarding it is a gross deviation from what a reasonable person would do in the situation.